

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**JEFFREY GADDY,**

**Plaintiff,**

**v.**

**1:14-cv-1928-WSD**

**TEREX CORPORATION, et al.,**

**Defendants.**

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**OPINION AND ORDER**

This matter is before the Court on Plaintiff Jeffrey Gaddy’s (“Plaintiff”) Motion to Add Defendants and for Leave to File a Fifth Amended Complaint to Reflect the Same [138]. Plaintiff seeks to add three new defendants to this matter based on his findings in discovery, and to file his Fifth Amended Complaint adding these new parties and amending the allegations accordingly. Defendants Terex Corporation (“Defendants”) do not oppose this motion.

Plaintiff is required to join as parties to the action all persons and entities whose interests are so directly involved that their presence is needed for a just adjudication, if their joinder is feasible. See Fed. R. Civ. P. 19(a). Based on discovery and counsel’s research, Plaintiff claims that LTV Copperweld manufactured or sold the steel at issue in this case to Defendant Ryerson.

Plaintiff's counsel believes that LTV Copperweld has now become, through merger, John Maneely Company d/b/a JMC Steel Group, and Atlas ABC Corporation, a division of JMC Steel Group. Plaintiff's counsel also believes Utility One Source Forestry Equipment, LLC acquired Defendant MRT in 2015.

Rule 15 of the Federal Rules of Civil Procedure permits pleading amendments after service of an Answer "by leave of the court or by written consent of the adverse party." Fed. R. Civ. P. 15(a). Because of the liberal pleading rules, "leave shall be freely given when justice so requires." Id.

Because it appears John Maneely Company d/b/a JMC Steel Group, Atlas ABC Corporation, and Utility One Source Forestry Equipment, LLC, are proper parties to this matter, and because Defendants do not oppose this motion,<sup>1</sup> the Court grants Plaintiff's motion.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Add Defendants and for Leave to File a Fifth Amended Complaint to Reflect the Same [138] is **GRANTED.**

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<sup>1</sup> Failure to file a response shall indicate that there is no opposition to the motion. L.R. 7.1(B), NDGa.

**SO ORDERED** this 24th day of September 2015.

  
William S. Duffey, Jr.  
WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE